

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on May 21, 2007. A petition for a three month extension of time is submitted herewith. The Director is authorized to charge \$1,050 for the three month extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-601 on the account statement.

Claims 1-26 are pending in this application. In the Office Action, Claims 1-10 and 12-26 are rejected under 35 U.S.C. §102 and Claim 11 is rejected under 35 U.S.C. §103. In response, Claim 1 has been amended. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

In the Office Action, Claims 1-10 and 12-26 are rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Publication No. JP 2002019852 to Shirahama ("*Shirahama*"). Applicants respectfully traverse this rejection for at least the reasons set forth below.

Independent Claims 1 and 26 each recite, in part, a pack comprising a body having a removal opening and a filling opening, the body comprising at least one pleat. For example, the pleat expands and enables a shape of the body to widen when the body dispenses through the removal opening. See, specification, page 2, line 10 and page 7, lines 1-4. This widening accommodates a shape of a plunger which helps to empty the body. See, specification, page 6, lines 20-26. In contrast, Applicants respectfully submit that *Shirahama* fails to disclose or suggest every element of Claims 1 or 26.

Shirahama fails to disclose or suggest a body comprising at least one pleat as required, in part, by Claims 1 and 26. In fact, *Shirahama* fails to even disclose or suggest any pleated body. Instead, *Shirahama* is drawn to a plastic double container including an outer vessel made of a sheetlike plastic and an inner vessel made of a plastic film joined with the outer vessel. See, *Shirahama*, Abstract, lines 10-13. The container of *Shirahama* contains no pleats in contrast to Claims 1 and 26.

Moreover, Applicants have amended independent Claim 1 to delete the phrase "or similar shaping". In this regard, independent Claims 1 and 26 specifically require at least one pleat as discussed above. For at least the reasons discussed above, Applicants respectfully submit that

Claims 1 and 26 and Claims 2-10 and 12-25 that depend therefrom are novel, nonobvious and distinguishable from *Shirahama*.

Accordingly, Applicants respectfully request that the anticipation rejection with respect to Claims 1-10 and 12-26 be reconsidered and the rejection be withdrawn.

In the Office Action, Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Shirahama* in view of International Publication No. WO 2007018396 to Kim ("*Kim*"). Applicants respectfully submit that *Kim* is not proper prior art. For example, *Kim* has an earliest priority date of August 10, 2005. The currently pending application has a U.S. filing date of March 14, 2005 and claims an earlier priority date of September 8, 2003. As a result, the obviousness rejection is moot in view of the fact that *Kim* is not prior art.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to Claim 11 be reconsidered and the rejection be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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